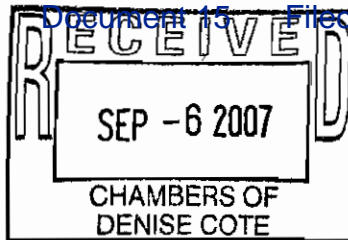


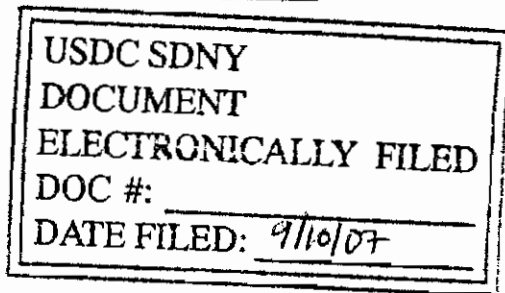
# Thacher Proffitt



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September 5, 2007

**BY HAND**

The Honorable Denise Cote  
United States District Judge  
United States District Court for the Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1040  
New York, New York 10007-1312

DLF  
9/9/07

Re: *DB Structured Products, Inc. v. Maribella Mortgage, LLC* 07 CV 4120  
*DB Structured Products, Inc. v. Lancaster Mortgage Bankers, LLC* 07 CV 4121

(Duplicate Original)

Dear Judge Cote:

Our firm is counsel to the Plaintiff in the two referenced actions pending before Your Honor. As requested, we write regarding the domiciles of the members of Maribella Mortgage, LLC ("Maribella") and Lancaster Mortgage Bankers, LLC ("Lancaster"), both of whom have defaulted by not serving an Answer. As discussed below, we believe that the members of both Maribella and Lancaster are diverse from Plaintiff and this Court has subject matter jurisdiction. Additionally, we write to advise Your Honor that through our research into this matter, and without the benefit of notice by Lancaster's counsel, we have learned that, on August 31, 2007, Lancaster filed for protection under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the District of New Jersey (Trenton) in a case styled *In re Lancaster Mortgage Bankers, LLC*, Case No. 07-22479-MBK. (See the attached Notice of Bankruptcy Case Filing). The bankruptcy case is before the Honorable Michael B. Kaplan. Copied on this letter are Lancaster's bankruptcy counsel of record and the Court-appointed Chapter 7 Trustee.

With regard to Maribella, we have been informed by its incorporator that none of its members are citizens of New York or Delaware; the parties are thus diverse and this Court has subject matter jurisdiction. This information is contained in the attached letter from Mr. Timothy R. Duncan, Esq. of Coleman, Hull & van Vliet PLLP, who is the incorporator of Maribella. In response to our inquiries, Mr. Duncan confirmed that "none of the members of Maribella Mortgage LLC are New York Residents..." and that to the best of his knowledge, "the members are Minnesota residents." Mr. Duncan refused to provide us with a copy of Maribella's Operating Agreement.

The Honorable Denise Cote  
September 5, 2007

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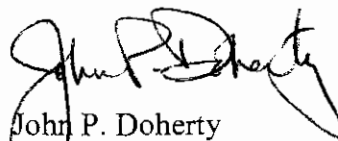
With respect to Lancaster, we are informed that the current members of Lancaster are all New Jersey citizens, thus also making Lancaster diverse and giving this Court subject matter jurisdiction. Although Lancaster would not put this in writing, Mr. Eliot Salzman, the registered agent and former President and Chief Executive Officer of Lancaster confirmed this to Mary H. Mulhearn, Esq., an attorney at Thacher Proffitt & Wood. (See the attached affidavit of Mary H. Mulhearn dated September 5, 2007) Mr. Salzman told Ms. Mulhearn that he was certain that all of the members of Lancaster are New Jersey citizens. Ms. Mulhearn requested a copy of Lancaster's current Operating Agreement, but Mr. Salzman refused because that document is confidential.

Because both of these defendants have defaulted and the information we require is not publicly available, we believe that our sources confirming diversity are the best available at this time. In light of Lancaster's bankruptcy filing, Plaintiff will not move forward with a default motion against Lancaster at this time.

If the Court has any questions, please do not hesitate to contact me at (212) 912-7417 or Brendan Zahner at (212) 912-7622.

We thank you for your consideration.

Respectfully submitted,



John P. Doherty  
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cc: (via Federal Express)

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September 5, 2007

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